

posed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this chapter, but any State or Territory or the District of Columbia may, consistent with the requirements under this chapter exercise concurrent jurisdiction with the Secretary over articles required to be inspected under this chapter for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This chapter shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this chapter, with respect to any other matters regulated under this chapter.

(Pub. L. 85-172, §23, as added Pub. L. 90-492, §17, Aug. 18, 1968, 82 Stat. 807.)

§ 467f. Federal Food, Drug, and Cosmetic Act applications

(a) Exemptions; authorities under food, drug, and cosmetic provisions unaffected

Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.] to the extent of the application or extension thereto of the provisions of this chapter, except that the provisions of this chapter shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to August 18, 1968.

(b) Enforcement proceedings; detainer authority of representatives of Secretary of Health and Human Services

The detainer authority conferred by section 467a of this title shall apply to any authorized representative of the Secretary of Health and Human Services for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.] with respect to any poultry carcass, or part or product thereof, that is outside any official establishment, and for such purposes the first reference to the Secretary in section 467a of this title shall be deemed to refer to the Secretary of Health and Human Services.

(Pub. L. 85-172, §24, as added Pub. L. 90-492, §17, Aug. 18, 1968, 82 Stat. 807; amended Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in text, is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of this title. For complete classification of this Act to the Code, see section 301 of this title and Tables.

CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in par. (b) pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

§ 468. Cost of inspection; overtime

The cost of inspection rendered under the requirements of this chapter, shall be borne by the

United States, except the cost of overtime and holiday pay paid pursuant to the¹ section 2219a of title 7.

(Pub. L. 85-172, §25, formerly §19, Aug. 28, 1957, 71 Stat. 448, renumbered Pub. L. 90-492, §17, Aug. 18, 1968, 82 Stat. 805; Pub. L. 107-171, title X, §10703(c)(1), May 13, 2002, 116 Stat. 517.)

REFERENCES IN TEXT

Section 2219a of title 7, referred to in text, was in the original “section 10703 of the Farm Security and Rural Investment Act of 2002”, meaning section 10703 of Pub. L. 107-171, which enacted section 2219a of Title 7, Agriculture, amended this section, section 695 of this title, and section 5549 of Title 5, Government Organization and Employees, and repealed section 394 of Title 7.

AMENDMENTS

2002—Pub. L. 107-171 substituted “except the cost of overtime and holiday pay paid pursuant to the section 2219a of title 7.” for “except that the cost of overtime and holiday work performed in establishments subject to the provisions of this chapter at such rates as the Secretary may determine shall be borne by such establishments. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.”

§ 469. Authorization of appropriations

There is authorized to be appropriated such sums as are necessary to carry out the provisions of this chapter.

(Pub. L. 85-172, §26, formerly §20, Aug. 28, 1957, 71 Stat. 449, renumbered Pub. L. 90-492, §17, Aug. 18, 1968, 82 Stat. 805.)

§ 470. Omitted

CODIFICATION

Section, Pub. L. 85-172, §27, as added Pub. L. 90-492, §17, Aug. 18, 1968, 82 Stat. 807; amended Pub. L. 103-437, §8(1), Nov. 2, 1994, 108 Stat. 4588, which required the Secretary of Agriculture to report annually to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the slaughter of poultry and the processing and distribution of poultry parts and products, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 46 of House Document No. 103-7.

§ 471. Safe Meat and Poultry Inspection Panel

(a) Review and evaluation

The advisory panel known as the “Safe Meat and Poultry Inspection Panel” established by section 679a of this title shall review and evaluate, as the panel considers necessary, the adequacy, necessity, safety, cost-effectiveness, and scientific merit of—

(1) inspection procedures of, and work rules and worker relations involving Federal employees employed in, plants inspected under this chapter;

(2) informal petitions or proposals for changes in inspection procedures, processes, and techniques of plants inspected under this chapter;

(3) formal changes in poultry inspection regulations promulgated under this chapter, whether in notice, proposed, or final form; and

¹ So in original. The word “the” probably should not appear.

(4) such other matters as may be referred to the panel by the Secretary regarding the quality or effectiveness of a safe and cost-effective poultry inspection system under this chapter.

(b) Reports

(1) In general

The Safe Meat and Poultry Inspection Panel shall submit to the Secretary a report on the results of each review and evaluation carried out under paragraph (1), including such recommendations as the panel considers appropriate.

(2) Reports on formal changes

In the case of a report concerning a formal change in poultry inspection regulations, the report shall be made within the time limits prescribed for formal comments on such changes.

(Pub. L. 85-172, §30, as added Pub. L. 104-127, title IX, §918(a)(2), Apr. 4, 1996, 110 Stat. 1190.)

CHAPTER 11—MANUFACTURE OF NARCOTIC DRUGS

§§ 501 to 517. Repealed. Pub. L. 91-513, title III, § 1101(a)(10), Oct. 27, 1970, 84 Stat. 1292

Sections, Pub. L. 86-429, Apr. 22, 1960, 74 Stat. 55, provided for licensing and control of the manufacture of all narcotic drugs and was known as the "Narcotic Manufacturing Act of 1960". Sections 1 to 3 and 5 to 22 of said Pub. L. 86-429 were classified respectively to sections 501, 501 notes, and 502 to 517 of this title. Section 4 of Pub. L. 86-429 was classified to sections 4702, 4731, and 4731 note of Title 26, Internal Revenue Code. See section 801 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of seventh calendar month that begins after Oct. 26, 1970, see section 1105(a) of Pub. L. 91-513, set out as a note under section 951 of this title. For provisions postponing such effective date if the Attorney General postpones the effective date of section 826 of this title, see section 1105(c) of Pub. L. 91-513, set out as an Effective Date note under section 951 of this title.

SAVINGS PROVISION

Prosecutions for any violation of law occurring, and civil seizures or forfeitures and injunctive proceedings commenced, prior to the effective date of repeal of these sections by section 1101 of Pub. L. 91-513 not to be affected or abated by reason thereof, see section 1103 of Pub. L. 91-513, set out as a note under sections 171 to 174 of this title.

CHAPTER 12—MEAT INSPECTION

SUBCHAPTER I—INSPECTION REQUIREMENTS; ADULTERATION AND MISBRANDING

- Sec.
601. Definitions.
602. Congressional statement of findings.
603. Inspection of meat and meat food products.
 (a) Examination of animals before slaughtering; diseased animals slaughtered separately and carcasses examined.
 (b) Humane methods of slaughter.
604. Post mortem examination of carcasses and marking or labeling; destruction of carcasses condemned; reinspection.
605. Examination of carcasses brought into slaughtering or packing establishments, and of meat food products issued from and returned thereto; conditions for entry.

- Sec.
606. Inspectors of meat food products; marks of inspection; destruction of condemned products; products for export.
607. Labeling, marking, and container requirements.
 (a) Labeling receptacles or coverings of meat or meat food products inspected and passed; supervision by inspectors.
 (b) Information on articles or containers; legible form.
 (c) Labeling: type styles and sizes; definitions and standards of identity or composition; standards of fill of container; consistency of Federal and Federal-State standards.
 (d) Sales under false or misleading name, other marking or labeling or in containers of misleading form or size; trade names, and other marking, labeling, and containers approved by Secretary.
 (e) Use withholding directive respecting false or misleading marking, labeling, or container; modification of false or misleading matter; hearing; withholding use pending proceedings; finality of Secretary's action; judicial review; application of section 194 of title 7.
 (f) Lamb and mutton.
608. Sanitary inspection and regulation of slaughtering and packing establishments; rejection of adulterated meat or meat food products.
609. Examination of animals and food products thereof, slaughtered and prepared during nighttime.
610. Prohibited acts.
 (a) Slaughtering animals or preparation of articles capable of use as human food.
 (b) Humane methods of slaughter.
 (c) Sales, transportation, and other transactions.
 (d) Adulteration or misbranding.
611. Devices, marks, labels, and certificates; simulations.
 (a) Devices to be made under authorization of Secretary.
 (b) Other misconduct.
612 to 614. Repealed.
615. Inspection of carcasses, meat of which is intended for export.
616. Inspectors of carcasses, etc., meat of which is intended for export; certificates of condition.
617. Clearance prohibited to vessel carrying meat for export without inspector's certificate.
618. Delivery of inspectors' certificates, and of copies.
619. Marking, labeling, or other identification to show kinds of animals from which derived; separate establishments for preparation and slaughtering activities.
620. Imports.
 (a) Adulteration or misbranding prohibition; compliance with inspection, building construction standards, and other provisions; humane methods of slaughter; treatment as domestic articles subject to this chapter and food, drug, and cosmetic provisions; marking and labeling; personal consumption exemption.
 (b) Terms and conditions for destruction.
 (c) Payment of storage, cartage, and labor charges by owner or consignee; liens.